

REMARKS

This is intended as a full and complete response to the Final Office Action dated May 11, 2007, having a shortened statutory period for response set to expire on August 13, 2007. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-6, 11-15, 24 and 25 are pending in the application. Claims 1-6, 11-15, 24 and 25 remain pending following entry of this response.

Claim Rejections - 35 U.S.C. § 112

Claims 1 - 6, 11-15, 24 and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Respectfully, the Examiner's strict standard for the written description requirement is inconsistent with the standards set forth by the Federal Circuit. The legal standard of the written description requirement is whether the disclosure of the application reasonably conveys to one skilled in the art that the inventor(s) had possession of the claimed invention at the time of filing. *University of Rochester v. G.D. Searle & Co.* 358 F.3d 916 (Fed. Cir. 2004). The Federal Circuit law is clear that the written description requirement of 35 U.S.C. 112 does not require word for word support, or even textual support at all, in the specification. *Koito Mfg. Co. v. Turn-Key Tech LLC*, 381 F.3d 1142 (Fed. Cir. 2004). In *Koito* the Federal Circuit found adequate support in a drawing of the specification. (*Id.*)

The Examiner suggests, regarding claim 1, that “there is no support for ‘without associating substituted functionality’ as recited in lines 10 and 11.” However, Applicants submit that the specification clearly states that “‘disabling’ a function refers to making the function unavailable, rather than affecting the underlying application code to make the function incapable of executing” as seen at paragraph [0028]. To one skilled in the

art, this clearly implies that the “disabling at least portion of the user-selectable elements” would be carried out “without associating substituted functionality.” Accordingly, Applicants respectfully request that this rejection be withdrawn.

The Examiner suggests, regarding claim 2, that “there is no support for ‘remain visible while one or more executable functions are inaccessible’ as recited in lines 4 and 5.” However, Applicants submit that the specification clearly states that:

“One example of this embodiment is shown with respect FIG. 4. In particular, FIG. 4 shows an interface screen 400 corresponding to the interface screen 200 after ‘Function 2’ has been made unavailable to the user. Accordingly, the corresponding button 202B is not shown. Alternatively, the button 202B may be grayed-out” (emphasis added). Paragraph [0028].

To one skilled in the art, this portion of the Applicants’ specification clearly implies that the “portion of the user-selectable elements for which the one or more executable functions are made inaccessible remain visible while the one or more executable functions are inaccessible.” Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 11, 24 and 25 having been rejected for the same reasons as claim 1 are believed to be allowable, and Applicants respectfully request that this rejection be withdrawn.

Additionally, Claims 3-6 and 12-15 being dependent on claims 1 and 11 are believed to be allowable, and Applicants respectfully request that this rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 102

Claims 1-3, 5, 6, 11-13, and 15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by *Wiesehuegel et al.* (U.S. Publication 2002/0128949, hereinafter, “*Wiesehuegel*”).

Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Wiesehuegel* does not disclose "each and every element as set forth in the claim." For example, *Wiesehuegel* does not disclose "parsing the web page to identify the user-selectable elements." The Examiner argues that *Wiesehuegel* discloses "parsing the web page to identify the user-selectable elements" at paragraph block [0067]. However, the cited passage is in fact directed to providing a web page to a user that may contain disabled elements.

Applicants submit that paragraph [0067] does not mention nor imply "parsing the web page to identify the user-selectable elements." In fact, at no point in the specification does *Wiesehuegel et al.* ever discuss parsing a web page.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested. Claims 11-13 and 15 incorporating substantially subject matter as claims 1-3 and 5 are believed to be allowable along the same rationale, and allowance of the claims is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 4, 14, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wiesehuegel* as applied to claims 1 and 11 above, and further in view of *Keating* (U.S. Publication 2002/0052895).

Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the third criteria.

The Examiner states that the rejection of claims 4, 14, 24 and 25 is dependent on the unpatentability of the present invention over *Wiesehuegel* as applied to claims 1 and 11. Applicants submit that the inapplicability of *Wiesehuegel* with respect to claims 1 and 11 has been established in the above remarks regarding the 35 U.S.C. 102(b) rejection.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Gero McClellan, attorney of record, at (336) 643-3065, to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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